

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PAINTERS DISTRICT COUNCIL NO. 14,)	
a labor organization,)	
)	
Plaintiffs,)	No. 08 C 3721
)	
v.)	Judge Kocoras
)	
PINNACLE GLASS, INC.,)	Magistrate Judge Mason
)	
Defendant.)	

MOTION FOR ORDER OF DEFAULT AND JUDGMENT IN SUM CERTAIN

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability and Judgment in favor of Plaintiffs and against Defendant, PINNACLE GLASS, INC.

In support thereof, Plaintiffs state:

1. This case was filed on June 30, 2008.
2. Defendant was served with Summons and Complaint on July 17, 2008.
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
4. Per the attached Exhibit A, Defendant owes \$840.00 wage award, and \$3,800.00 fine for contractual violations (See May 29, 2008 Arbitration Award).
5. Per the affidavit of Donald Schwartz, attorney for Plaintiffs in legal fees and expenses \$1,300.00 has been incurred in this suit. (Exhibit B)

WHEREFORE, Plaintiffs pray for:

1. An Order of Default against the Defendant.

2. Judgment be rendered in the amount of \$5,940.00 for the PAINTERS DISTRICT COUNCIL NO. 14, and against PINNACLE GLASS, INC.

Respectfully submitted,

PAINTERS DISTRICT COUNCIL NO. 14

By: s/ Donald D. Schwartz
One of their Attorneys

Donald D. Schwartz
ARNOLD AND KADJAN
19 West Jackson Blvd.
Chicago, Illinois 60604
(312) 236-0415

PHONE 708-443-9000
FAX 708-443-9007



TERRENCE FITZMAURICE
BUSINESS MANAGER
SECRETARY-TREASURER

**Glaziers, Architectural Metal and Glass Workers
Union Local No. 27, Chicago and Vicinity**

OF THE
INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO
AFFILIATED WITH PAINTERS' DISTRICT COUNCIL NO. 14
MEETS THE 4TH MONDAY OF EACH MONTH, 6909 WEST 20TH STREET, BERWYN
4225 LAWDALE AVENUE • LYONS, IL 60534



MICHAEL KASUS
BUSINESS REPRESENTATIVE

MICHAEL O'DONNELL
BUSINESS REPRESENTATIVE

MICHAEL COOK
BUSINESS REPRESENTATIVE
FINANCIAL SECRETARY

JAMES AUDUSTYN
PRESIDENT

RICHARD SAIDELIS
VICE PRESIDENT

MICHAEL OHN
RECORDING SECRETARY

Mr. Rob Christman
Pinnacle Glass Inc.
N1449 Briok School Road
Watworth, WI 53184

Fax: 262-775-8813

May 29, 2008

Dear Mr. Christman:

This letter constitutes written notice that your company, Pinnacle Glass, is not in compliance with the decision of the Grievance Board.

A Grievance hearing was held in your absence, as you were notified and chose not to attend, on February 6, 2008. A copy of the decision of the Grievance Board was sent (and is attached) to your company via fax, regular U.S. mail and certified mail on February 18, 2008.

Total monies, including fines, benefits, wages and all other funds owed by your self or your company, Pinnacle Glass Inc., as required by the decision of the Joint Grievance Board equal \$4640.00

The maximum ninety (90) days to appeal or have this decision sent to mediation has expired as of May 20, 2008.

Glaziers Union Local # 27 considers failure to pay these fines, wages, benefits and / or funds owed as "Breach of Contract", and intends to take all necessary economic and / or legal action needed. These actions may include but are not limited to withholding of services (such as pulling all Local #27 members from your company), job action (such as striking or picketing) during the period of noncompliance.

To remedy to this situation and avoid further action being taken, please submit total monies owed no later than Thursday, June 12, 2008.

Michael O'Donnell

Michael O'Donnell
Chairman
Joint Trial Board

Date: 5-29-08

Al Shapiro

Al Shapiro
Chairman
Association of Glazing Contractors

Date: 5-29-2008

EXHIBIT A

U.S. Postal Service™ Delivery Confirmation® Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Rob Christman

Pinnacle Labs Inc.

1449 Beck School Rd
Walworth, WI 53190

Postmark
Here
6/10/08

Keep this receipt for inquiries.
Access internet web site at
www.usps.com ®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

☒ Priority Mail™ Service

☐ First-Class Mail® parcel

☐ Package Services parcel

(See Reverse)

PS Form 3822, May 2002

DELIVERY CONFIRMATION NUMBER:
0307 3330 0000 3555 3778

USPS® Delivery Confirmation® Service

This Service

- provides date and time of delivery and/or attempted delivery upon inquiry
- is only available with Priority Mail Service®, First-Class Mail®, parcels, and Package Services parcels (Parcel Post, Bound Printed Matter, Media Mail, and Library Mail)
- A parcel is a box OR an item that is more than 3/4" thick at its thickest point. The face must be large enough for return and delivery address, special service label, markings or endorsements, and postage.

No insurance coverage is provided. If indemnity coverage is desired, consider Insured Mail, or other special service that provides coverage. Contact your local postmaster for information concerning available options and limitations on coverage.

HOW TO USE



1. COMPLETE
FORM
NEATLY



2. ATTACH LABEL
TO THE LEFT OF
DELIVERY ADDRESS

PS Form 152, May 2002

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AFFIDAVIT

Donald D. Schwartz, upon being first duly sworn, on oath deposes and states:

1. Affiant is partner in the Law Firm Arnold & Kadjan handling this case.
2. Our firm has spent 5 hours in litigation in this matter.
3. Our normal rate is \$175.00 per hour.
4. Our firm charged the Painters District Council No. 14 \$875.00 in this matter.
5. Our firm charged \$350.00 for court filing fee and \$75.00 process fee.
6. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

FURTHER AFFIANT SAYETH NOT.

s/ Donald D. Schwartz
DONALD D. SCHWARTZ

EXHIBIT B

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JUDGMENT ORDER

THIS CAUSE coming on to be heard on Plaintiffs' Motion for Order of Default and Judgment in Sum Certain, all parties having been given due notice;

IT IS HEREBY ORDERED:

1. Judgment in the amount of \$5,940.00 is entered in favor of Plaintiffs, PAINTERS DISTRICT COUNCIL NO. 14, and against the Defendant, PINNACLE GLASS, INC.
2. This is a final and appealable order.

DATED: _____

ENTER: _____
HONORABLE JUDGE KOCORAS

Donald D. Schwartz
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415